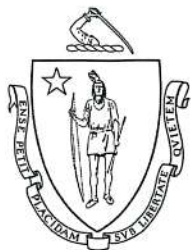


# **EXHIBIT D**



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL  
ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY  
ATTORNEY GENERAL

(617) 727-2200  
(617) 727-4765 TTY  
[www.mass.gov/ago](http://www.mass.gov/ago)

December 3, 2018

**IN HAND**

Civil Clerk's Office  
Suffolk County Superior Court  
Suffolk County Courthouse, 12th Floor  
3 Pemberton Square  
Boston, MA 02108



**Re: *Com. v. Purdue Pharma L.P., et al.*, C.A. No. 1884-cv-01808 (BLS2)**

Dear Sir or Madam:

Enclosed for filing on behalf of the Commonwealth and defendants Purdue Pharma L.P., Purdue Pharma Inc., Craig Landau, John Stewart, and Mark Timney, please find our *JOINT MOTION TO IMPOUND AMENDED COMPLAINT*.

If you have any questions concerning this filing, please do not hesitate to contact me at the number below.

Sincerely,

A handwritten signature in black ink, appearing to be "Gillian Feiner".

Gillian Feiner  
Assistant Attorney General  
Office of the Attorney General  
One Ashburton Place  
Boston, Massachusetts 02108  
617-963-2571  
[Gillian.feiner@mass.gov](mailto:Gillian.feiner@mass.gov)

cc: Service List, via email

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT

----- x  
:  
COMMONWEALTH OF MASSACHUSETTS,  
:

Plaintiff,

Civil Action

: No. 1884-cv-01808 (BLS2)

v.

PURDUE PHARMA L.P., et al.,

Defendants.  
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**JOINT MOTION<sup>1</sup> TO IMPOUND AMENDED COMPLAINT**

The Commonwealth of Massachusetts, Defendants Purdue Pharma L.P., Purdue Pharma Inc. (collectively with Purdue Pharma L.P., “Purdue”) and Defendants Craig Landau, John Stewart, and Mark Timney (collectively the “Officer Defendants,” with Purdue, “Defendants,” and collectively with the Commonwealth the “Parties”) jointly move to impound the Commonwealth’s Amended Complaint, which is scheduled to be filed on December 7, 2018. As grounds for the requested relief, the Parties state:

1. The Commonwealth anticipates filing an Amended Complaint on December 7. The Commonwealth has informed Defendants that new allegations in the Amended Complaint contain information the Defendants have designated Confidential or Highly Confidential pursuant to this Court’s October 22, 2018 Protective Order and/or Protective Orders in other proceedings. Although Defendants have not yet seen the Amended Complaint, the

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<sup>1</sup> Director Defendants Peter Boer, Paulo Costa, Ilene Sackler Lefcourt, Judy Lewent, Cecil Pickett, Beverly Sackler, David Sackler, Jonathan Sackler, Kathe Sackler, Mortimer D.A. Sackler, Richard Sackler, Theresa Sackler, and Ralph Snyderman do not join in this motion but do not oppose it.

Officer Defendants understand that the new allegations in the Amended Complaint include highly sensitive personal financial information of the Officer Defendants, and Purdue understands that the Amended Complaint refers to and/or quotes from documents that Purdue has produced to the Commonwealth and designated Confidential or Highly Confidential.

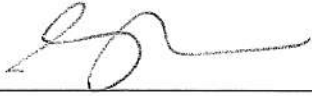
2. Accordingly, pursuant to paragraph 12 of this Court's October 22, 2018 Protective Order and Rule 8 of the Uniform Rules on Impoundment Procedure, in order to afford adequate protection to the Defendants, the Commonwealth seeks the Court's permission to:

- a. file an impounded, unredacted version of the Amended Complaint; and
- b. submit to the Clerk for public inspection a version of the Amended Complaint redacting all information Defendants have designated Confidential or Highly Confidential.

3. After the Commonwealth files and serves upon the Defendants the unredacted Amended Complaint, the Parties will promptly meet and confer, in good faith, concerning the designations and the scope of appropriate redactions. The Parties will then file, within 30 days or such other time allowed by the Court, a less heavily redacted public version of the complaint, along with a supporting motion and affidavit(s) specifying the material to be redacted and establishing good cause for the remaining redactions, in accordance with the Uniform Rules on Impoundment Procedure, and/or motions concerning remaining designation-related disputes, pursuant to paragraph 16 of the Protective Order.

WHEREFORE, the Parties respectfully request that the Court enter the proposed Findings and Order of Impoundment attached hereto as Exhibit A.

Dated: December 3, 2018  
Boston, Massachusetts



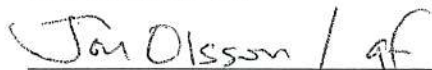
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Gillian Feiner (BBO #664152)  
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Counsel for Plaintiff  
Commonwealth of Massachusetts



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 / *af*

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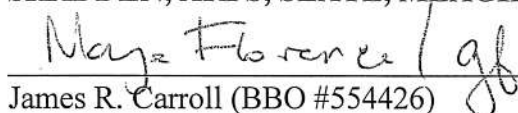
[mark.cheffo@dechert.com](mailto:mark.cheffo@dechert.com)

[debra.o'gorman@dechert.com](mailto:debra.o'gorman@dechert.com)

[bert.wolff@dechert.com](mailto:bert.wolff@dechert.com)

*Attorneys for Defendants Purdue Pharma L.P. and Purdue Pharma Inc.*

**SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP**

 / *af*

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MEAGHER & FLOM LLP

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Counsel for Defendants

Craig Landau, John Stewart, and Mark Timney

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT

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COMMONWEALTH OF MASSACHUSETTS,	:
	:
Plaintiff,	Civil Action
	:
v.	No. 1884-cv-01808 (BLS2)
	:
PURDUE PHARMA L.P, et al.,	:
	:
Defendants.	:
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**AFFIDAVIT IN SUPPORT OF JOINT MOTION TO IMPOUND**  
**AMENDED COMPLAINT**

I, Gillian Feiner, being duly sworn, depose and say:

1. I am an Assistant Attorney General in the False Claims Division of the Office of the Attorney General. I represent the plaintiff in the above-captioned action.
2. The facts set out in the *Joint Motion to Impound Amended Complaint* are true and accurate.

Signed under the pains and penalties of perjury in Boston, MA this 3rd day of December 2018.

By: \_\_\_\_\_

  
Gillian Feiner, BBO # 664152  
Assistant Attorney General

**CERTIFICATE OF SERVICE**

I, Gillian Feiner, hereby certify that on December 3, 2018, a true copy of the foregoing Motion For Impoundment and Affidavit in Support was served on all parties of record via email.

Dated: December 3 2018

A handwritten signature in black ink, appearing to read 'Gillian Feiner', is written over a horizontal line.

Gillian Feiner



## **EXHIBIT A**

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT

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COMMONWEALTH OF MASSACHUSETTS,	:
	:
Plaintiff,	Civil Action
	:
v.	No. 1884-cv-01808 (BLS2)
	:
PURDUE PHARMA L.P, et al.,	:
	:
Defendants.	:
-----	X

**[PROPOSED] FINDINGS AND ORDER OF IMPOUNDMENT**

**IT IS HEREBY ORDERED THAT:**

1. Good cause exists to impound the Commonwealth's Amended Complaint, which is scheduled to be filed on December 7, 2018, until December 7, 2023 or such other time as set forth in a superseding Order.
2. The Commonwealth shall simultaneously submit a redacted copy of the Amended Complaint to the clerk for public inspection.
3. After the Commonwealth files and serves upon the Defendants the unredacted Amended Complaint, the Parties will promptly meet and confer, in good faith, concerning the designations and the scope of appropriate redactions. The Parties will then file, within 30 days or such other time allowed by the Court, a less heavily redacted public version of the complaint, along with a supporting motion and affidavit(s) specifying the material to be redacted and establishing good cause for the remaining redactions, in accordance with the Uniform Rules on Impoundment Procedure, and/or motions concerning remaining designation-related disputes, pursuant to paragraph 16 of the Protective Order.

So Ordered:

Date:

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Superior Court Justice